

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

COY PHELPS,

Plaintiff,

-v-

RION MACCONNELL, et al.,

Defendants.

Case No. 3:12-cv-344

Judge Thomas M. Rose

Chief Magistrate Judge Sharon L. Ovington

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**ENTRY AND ORDER OVERRULING PHELPS' OBJECTIONS (Doc. #58)  
TO THE CHIEF MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATIONS REGARDING PHELPS' MOTION FOR  
SUMMARY JUDGEMENT AND MACCONNELL'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT (Doc. #57); ADOPTING THE CHIEF  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS  
REGARDING PHELPS' MOTION FOR SUMMARY JUDGMENT AND  
MACCONNELL'S MOTION FOR PARTIAL SUMMARY JUDGMENT  
(Doc. #57) IN ITS ENTIRETY; DENYING PHELPS' MOTION FOR  
SUMMARY JUDGMENT; GRANTING MACCONNELL'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT; DISMISSING PHELPS'  
REMAINING BREACH-OF-CONTRACT CLAIM FOR LACK OF  
SUBJECT MATTER JURISDICTION AND TERMINATING THIS CASE**

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Pro Se Plaintiff Coy Phelps ("Phelps") brought this action against Defendants Rion MacConnell ("MacConnell"), Heather F. Green and U.S. Mint Green, Ltd., to recover damages for various alleged wrongs. On May 5, 2014, Phelps filed a Motion for Summary Judgment or Judgment as a Matter of Law. (Doc. #48.) On May 19, 2014, MacConnell filed a Motion for Partial Summary Judgment. (Doc. #48.) Both of these motions were fully briefed.

On August 1, 2014, Chief Magistrate Judge Sharon L. Ovington issued a Report and Recommendations recommending that Phelps Motion for Summary Judgment Or Judgment as a Matter of Law be denied; that MacConnell's Motion for Partial Summary Judgment be granted

and that Phelps remaining breach-of-contract claim be dismissed for lack of jurisdiction. Phelps objected to this Report and Recommendations (doc. #58) and the time has run and MacConnell has not responded to Phelps' Objections. Phelps' Objections are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Phelps' Objections to the Chief Magistrate Judge's Report and Recommendations regarding Phelps' Motion for Summary Judgment and MacConnell's Motions for Partial Summary Judgment are not well-taken, and they are hereby OVERRULED. The Chief Magistrate Judge's Report and Recommendations is adopted in its entirety.

Phelps' Motion for Summary Judgment Or Judgment as a Matter of Law is denied. MacConnell's Motion for Partial Summary Judgment is granted. Phelps' remaining breach-of-contract claim is dismissed for lack of subject matter jurisdiction. Finally, the captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

**DONE and ORDERED** in Dayton, Ohio, this Eighth Day of September, 2014.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Coy Phelps at his last address of record